

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MESA UNDERWRITERS SPECIALTY  
INSURANCE COMPANY,

Plaintiff,

v.

MUNEER SAEED, *et al.*

Defendants.

Case No. 1:22-cv-01440-JLT-CDB

ORDER DIRECTING CLERK OF COURT TO  
CLOSE CASE AND ADJUST THE DOCKET  
TO REFLECT VOLUNTARY DISMISSAL  
PURSUANT TO RULES 41(a)(1)(A)(i) & (ii)  
OF THE FEDERAL RULES OF CIVIL  
PROCEDURE

(Docs. 28, 30)

On May 4, 2023, Plaintiff Mesa Underwriters Specialty Insurance Company (“Plaintiff”) filed a notice of settlement in which it represented “the parties” had reached a global settlement. (Doc. 26). On May 8, 2023, the Court directed the parties to file dispositional documents within sixty (60) days. (Doc. 27). On July 5, 2023, Plaintiff and Defendant Geronimo Gonzales filed a stipulation for voluntary dismissal with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). (Doc. 28). Thereafter, on July 10, 2023, Plaintiff filed a notice of voluntary dismissal with prejudice as to Defendant Muneer Saeed, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). (Doc. 30).

Pursuant to Rule 41(a), a plaintiff may dismiss an action without court order in one of two ways: (1) by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, or (2) by stipulation of all parties who have appeared. Fed. R. Civ. P. 41(a)(1)(A)(i) & (ii). Voluntary dismissal under this rule requires no action on the part of

1 the court. *See United States v. 475 Martin Lane*, 545 F.3d 1134, 1145 (9th Cir. 2008) (voluntary  
2 dismissal pursuant to Rule 41(a)(1)(A)(i) is self-executing and requires no further action by  
3 court).

4 In this case, the stipulation of dismissal as to Plaintiff and Defendant Gonzales is  
5 consistent with Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Further, because the other named  
6 Defendant (Muneer Saeed) has neither answered nor filed a motion for summary judgment,  
7 Plaintiff's notice of dismissal as to Defendant Saeed is consistent with Rule 41(a)(1)(A)(i). Thus,  
8 Plaintiff's stipulated dismissal and later notice of dismissal were effective upon their filing and  
9 without a court order.

10 Accordingly, the Clerk of the Court is HEREBY DIRECTED to CLOSE the file in this  
11 case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule  
12 41(a)(1)(A)(i) & (ii).

13 IT IS SO ORDERED.

14 Dated: July 11, 2023

15   
UNITED STATES MAGISTRATE JUDGE